



Attorney Docket No. A32562 - 070050.1370
U.S. Pat. Ser. No. 09/838,862

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Ramadan
Serial No. : 09/838,862 Examiner : Not yet assigned
Filed : April 20, 2001 Group Art Unit: Not yet assigned
For : COUPLER-MULTIPLEXER PERMUTATION SWITCH

STATEMENT IN SUPPORT OF PETITION TO REVIVE
FOR UNINTENTIONAL ABANDONMENT AND
RESPONSE TO NOTICE OF MISSING PARTS

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APR 23 2004

OFFICE OF PETITIONS

I hereby certify that this paper is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

April 19, 2004
Date of Deposit

Eric J. Faragi
Agent Name

51,259
PTO Registration No.

Signature

Eric Faragi
April 19, 2004
Date of Signature

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This paper is filed in response to the Notice of Abandonment dated September 15, 2003. Please consider the following statement of facts in support of the Petition to Revive the application for Unintentional Abandonment.

The Patent Office has stated that the above-referenced application has gone abandoned for failure to reply to the Notice of Missing Parts mailed on June 14, 2001. Even though Baker Botts LLP, Applicant's attorney, filed a timely a Request for Continued Examination ("RCE") with amended claims in reply to the Notice of Missing Parts, the executed declaration from the inventors was never filed as we never received it.

We had inquired as to the status of the application several times over the past year. In our first inquiry, on February 3, 2003 we were initially told that the application was in the Abandonment section. Shocked to hear this, we explained to the Patent Office that we filed an RCE in response to the Notice of Missing Parts, and had not received any further correspondence. The representative from the Patent Office told us to call again in few days after she had time to research the case. When we inquired again on February 6, 2003 the Patent Office informed us that the application was no longer in the Abandonment section but instead was sent over to the "Technology Center" to await examination as of February 4. On June 3, 2003 we inquired again as to the status and were informed that the application was in the "Technology Center," and still had not been assigned to an Examiner. On August 21, 2003 we inquired again as to the status and were informed that it still had not been assigned to an Examiner. Further, that representative informed us she did not know how long it would be until it was assigned. The Patent Office mailed a Notice of Abandonment to us on September 15, 2003. On September 30, 2003 after being told who the correct person was to speak to, and again on October 3, 2003 we left voicemail messages for a representative at the Patent Office (Ms. Doshie Day) who could inform us as to the correct status of the application. Ms. Day returned our call on October 9, informing us that the RCE with the amended claims was insufficient to respond to the Notice of Missing Parts, and that therefore, the application was abandoned. We

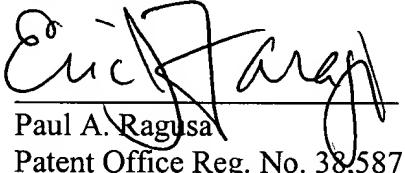
informed her of our previous attempts to determine the status, and the fact that the Patent Office never sent us a Notice of Abandonment until almost two years after it deemed the application abandoned. She informed us that we should file a petition to revive for unintentional abandonment.

To this end, since one of the inventors was in Egypt (Mr. Ramadan), we e-mailed a declaration directly to him. Mr. Ramadan executed a declaration which is submitted herewith. The other two inventors (Mr. Scarmozzino and Mr. Osgood) were professors at Columbia in New York. The two professors at Columbia have also executed the Declaration. We then prepared this statement in support of the Petition to Revive the application for unintentional abandonment.

Respectfully submitted,

BAKER BOTTS L.L.P.

By:


Paul A. Ragusa
Patent Office Reg. No. 38,587
Attorney for Applicants

Eric J. Faragi
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Agent for Applicants

30 Rockefeller Plaza
New York, NY 10012-4498
(212) 408-2500



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APR 28 2004

OFFICE OF PETITIONS

In Re:	Ramadan	09/838,862
	(Applicant)	(Serial No.)
In Re:	Petition*	A32562
		070050.1370
	(Title of Paper)	(Date)
		(File No.)

The stamp of the Patent Office Mail Room hereon acknowledges the receipt of the above-identified papers on the date indicated by such stamp.

Encls.

Transmittal (1 sheet);

Fee transmittal (1 sheet in duplicate);

Statement in Support of Petition To Revive For Unintentional Abandonment and Response To Notice of Missing Parts (3 sheets);

Combined Declaration and Power of Attorney (4 sheets);

BB Check No. _____ for \$730; and

Return postcard.

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APR 28 2004

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TRANSMITTAL FORM

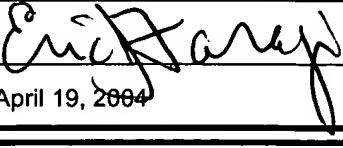
(to be used for all correspondence after initial filing)

Application Number	09/838,862
Filing Date	April 20, 2001
First Named Inventor	Ramadan
Group Art Unit	Not Yet Assigned
Examiner Name	Not Yet Assigned
Total Number of Pages in This Submission	Attorney Docket Number
	A32562-070050.1370

ENCLOSURES (check all that apply)

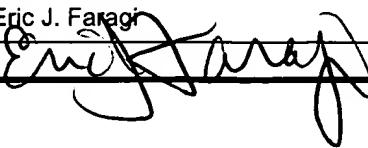
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input checked="" type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input checked="" type="checkbox"/> Response to Missing Parts/ Incomplete Application	Remarks	<input checked="" type="checkbox"/>
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	Statement in Support of Petition	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	BakerBotts LLP 30 Rockefeller Plaza New York, NY 10112		
Signature			
Date	Att Name: Eric J. Faragi PTO Reg: 51,259 April 19, 2004		

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on this date: April 19, 2004

Typed or printed name	Eric J. Faragi
Signature	
Date	April 19, 2004

BAKER BOTTS LLP



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FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 730)

OFFICE OF PETITIONS

Complete if Known

Application Number	09/838,862
Filing Date	April 20, 2001
First Named Inventor	Ramadan
Examiner Name	Not Yet Assigned
Art Unit	Not Yet Assigned
Attorney Docket No.	A32562-070050.1370

METHOD OF PAYMENT (check all that apply)

 Check Credit card Money Order Other None

 Deposit Account:

02-4377

Baker Botts LLP

The Commissioner is authorized to: (check all that apply)

Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee required under 37CFR 1.16 and 1.17
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1) (\$ 0)			

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Independent Claims	Multiple Dependent	Extra Claims	Fee from below	Fee Paid
			- 20 =	0	0
			- 3 =	0	0

Large Entity	Small Entity	Fee Description
Fee Code (\$)	Fee Code (\$)	
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2) (\$ 0)		

** or number previously paid, if greater; For Reissues, see above

3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	65
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,300	2453 650	Petition to revive - unintentional	665
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 630	2503 315	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

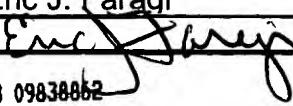
Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 730)

SUBMITTED BY

(Complete if applicable)

Name (Print/Type)	Eric J. Faragi	Registration No. (Attorney/Agent)	51,259	Telephone (212) 408-2500
Signature				Date April 19, 2004

04/26/2004 SDIRETAL 00000123 09838862

01 FC:2453
02 FC:2051665.00 OP
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